

REMARKS

This is in response to the Official Action of December 28, 2005. Reconsideration of the rejection and allowance is respectfully requested.

Claims 1-10 were rejected as being unpatentable over International Publication No. WO01/84108 to Glaxo Group Limited. For the Examiner's information, the corresponding Glaxo U.S. Patent has issued as U.S. Patent No. 6,915,714.

Claim 1 has been amended to include the patentable differences in the method between the Glaxo reference and the present application, and it is respectfully believed that claim 1 and its dependent claims 2-10 are allowable.

The Glaxo publication shows a stacked impactor, that has individual sampling stages or particle collection devices or impactor plates, and an entirely separate lower clamping plate for individually receiving the unstacked impactor plates and individually placing the impactor plates into receptacles in the lower clamping plate. After that, a power operated upper clamp plate fits over the stationary lower clamping plate, with the manually introduced impactor stages or plates in place in the lower clamping plate, after which the upper clamping plate or cover is sealed onto the impactor stages. It can be seen that the apparatus requires adapters for the individual stages of the impactor as well.

Referring to FIGS. 26-31 in the description that is present in pages 11, 12 and 13 of Glaxo, it can be seen that there is a very painstakingly lengthy procedure that is necessary for transferring each of the individual impactor stages onto the support or lower clamping plate, including the sealing devices, and then closing the upper clamping plate onto the lower clamping plate.

It is a time-consuming procedure that the Glaxo reference teaches, and while the ability to dissolve particles in

a cup from an impactor is known, the present method relates to a unique way of having a manifold that supports the impactor cups in side by side position, as now recited in claim 1, and after impaction, lifting that entire manifold with all of the impactor cups as a unit and then putting the service manifold on the compartment manifold for adding the solution and agitating and dissolving of the particles.

While the Examiner has stated that it would have been obvious to one having ordinary skill in the art to modify the Glaxo device to employ agitation to the sealed compartment, because it is well known that particles dissolve faster into a solution when agitation is applied, there is no suggestion or teaching in Glaxo of how to do this. There is no teaching of doing the agitation by moving the compartment manifold and service manifold (the clamping plates) as a unit under power to enhance dissolution.

The Glaxo reference has no teaching in regard to agitation, and if one was to agitate the solution. It would likely be done manually when considering the bulk of the Glaxo device. There certainly is not any suggestion that agitation would be done moving the two manifolds or sealing plates as a unit, because the support for those plates rigidly fixes them in position, and they cannot be separated as a unit from the rest of the apparatus shown in Glaxo without complete disassembly.

The teaching of the present invention, on the other hand, is a highly efficient way of recovering samples from particles that have been passed through a cascade impactor by providing a manifold that holds a plurality of the impactor cups side by side, and then lifting the manifold so that it can be attached to a service manifold for introduction of a suitable solution through the service manifold. The service manifold can have the connections for adding material pre-assembled. Then being able to move the two-part manifold as a unit, greatly

enhances the operation, and speeds up the handling of the samples once the impaction has been completed.

Therefore, favorable action on claim 1 is believed to be in order and it is respectfully requested.

Claim 2 includes removing the liquid sample, as a further step in processing, and this claim is allowable with claim 1.

Claim 3 includes a separate step of connecting separate valves having inlets leading to each of the compartments, and then drawing a sample into a passageway connected to the respective valve. This provides for a service manifold that has individual connections to the compartments held in the compartment manifold, for again, very efficient operation.

Claim 3 is therefore believed allowable.

The power actuation of claim 4 involves moving the manifolds together, and in the case of the Glaxo reference, the lower clamping plate and the upper clamping plate are mounted on a common assembly, so that the movement is not in a relationship where the compartment manifold would clear the service manifold, because the upper clamping plate and the lower clamping plate are in fact aligned, and merely hinged.

Claim 5 includes the unique step of putting the two manifolds, namely the compartment manifold and service manifold as a unit onto a pivotal support, so that they can be rocked. There certainly is no teaching in Glaxo of being able to place the disclosed clamping plates as a unit onto a pivotable support, for rocking about an axis. In fact, Glaxo, it would be urged, would teach exactly opposite that, and would indicate that these two clamping plates should remain on a fixed base. The base even includes supports for portions of the impactor assembly in the Glaxo disclosure, and it is respectfully submitted that it has no suggestion at all of moving the two clamping plates as a unit to any location other than the base on which they are mounted.

Claims 6-10 of the present claim set includes steps for subsequently introducing wash liquids, and draining while the two manifolds are held together, including the rinsing and the drying gas steps. The feature is that the service manifold and the compartment manifold remain as a unit in claims 6-8, which again is contrary to the teaching of Glaxo, because the clamping plates in Glaxo remain on their support base. Claims 9 and 10 include the feature of removing the compartment manifold from the service manifold and then using it for impacting, without having to individually clean the compartments and replace them into a vertical assembly, as in Glaxo.

These steps provide for a significant advantage in being able to efficiently handle, and analyze impacted materials.

In view of the amendments, and these remarks, it is respectfully requested that the application be passed to issue.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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